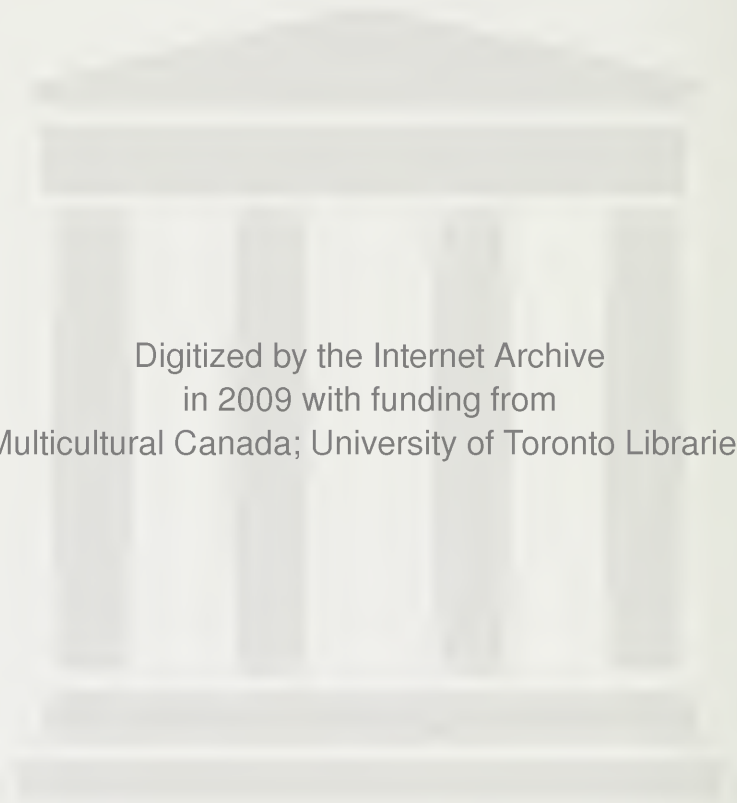




**FIRST LEGISLATIVE COUNCIL ELECTION  
OF THE HKSAR IN 1998 :  
BRIEF NOTE ON ELECTORAL ARRANGEMENTS**



**Hong Kong is Our Home**



Digitized by the Internet Archive  
in 2009 with funding from  
Multicultural Canada; University of Toronto Libraries

# CONTENTS

	<i>Page</i>
<b>Overall Framework</b>	<b>1</b>
<b>First LegCo Election of the HKSAR</b>	<b>1</b>
<b>Geographical Constituencies</b>	<b>2</b>
<b>Functional Constituencies</b>	<b>4</b>
<b>Election Committee</b>	<b>6</b>
<b>20% Nationality Rule</b>	<b>9</b>
<b>Voting Arrangement</b>	<b>10</b>
<b>Further Information</b>	<b>10</b>
<b>Annex</b>	<b>11</b>

加港文獻館

Canada-Hong Kong Resource Centre

1 Spadina Crescent, Rm. 111 • Toronto, Canada • M5S 1L1



## OVERALL FRAMEWORK

- Hong Kong has had Legislative Council ("LegCo") elections by universal suffrage since 1991. This is done through geographical elections.
- The Basic Law sets out the blueprint of Hong Kong's democratic development. It provides for a steady increase in the number of geographical seats in the immediate years to come : 20 for the first term of LegCo in 1998, 24 for the second term in 2000, and 30 for the third term in 2004.
- Progress will be gradual and orderly. The ultimate aim is the election of all 60 LegCo members by universal suffrage. The Basic Law provides a mechanism for Hong Kong people to decide how best to achieve that ultimate aim after 2007.

## FIRST LEGCO ELECTION OF THE HKSAR

- The first LegCo election of the HKSAR will be held on **24 May 1998**. All 60 members of the LegCo will be returned by elections.
- The objective of the HKSARG is to produce a legislature which is credible and representative. We are committed to ensuring that the arrangements for the election are fair, open and honest and are acceptable to the people of Hong Kong.



- The 60 members of the first HKSAR LegCo will be elected as follows :
  - ◆ 20 to be returned by geographical constituencies ("GCs") through direct elections;
  - ◆ 30 to be returned by functional constituencies ("FCs"); and
  - ◆ 10 to be returned by an election committee ("EC").
- Legislation for the conduct of the election was enacted in October 1997. The entire electoral process will be supervised by an independent statutory body, the Electoral Affairs Commission, which is headed by a High Court judge.
- Any Hong Kong permanent resident aged 21 or above and meets the relevant qualifications will be able to stand for election. We welcome everyone from across the political spectrum who wishes to serve the community to take part in the elections.

## **GEOGRAPHICAL CONSTITUENCIES**

- The 20 geographical seats will be returned by universal suffrage. All eligible persons who are Hong Kong permanent residents and aged 18 or above have the right to register as electors and to vote.



- The List Voting System operating under the Largest Remainder formula, which is a form of proportional representation voting system, will be adopted. Candidates will contest the election in the form of lists, and each list of candidates may consist of any number of candidates up to the number of seats in the relevant constituency. Each elector will vote by choosing only one list of his choice in his constituency. An explanatory note on the operation of this voting system is at Annex.
- Hong Kong will be divided into five GCs : four seats in Hong Kong Island, three seats each in Kowloon East and Kowloon West, and five seats each in New Territories East and New Territories West.
- Proportional representation voting system would more accurately reflect voter preference in the election outcome, and ensure a fuller representation of different views of the electorate.
- The List Voting System :
  - ◆ is widely accepted as open, fair and is commonly used in other countries;
  - ◆ can produce a legislature which is credible and genuinely representative;
  - ◆ can easily accommodate future increases in geographical seats as envisaged in the Basic Law; and
  - ◆ is simple and easy to administer.



## FUNCTIONAL CONSTITUENCIES

- The 30 FC seats are distributed as follows :

(1) Urban Council	(11) Health Services	(21) Industrial (Second)
(2) Regional Council	(12) Engineering	(22) Finance
(3) Heung Yee Kuk	(13) Architectural, Surveying and Planning	(23) Financial Services
(4) Agriculture and Fisheries	(14) Labour (3 seats)	(24) Sports, Performing Arts, Culture and Publication
(5) Insurance	(15) Social Welfare	(25) Import and Export
(6) Transport	(16) Real Estate and Construction	(26) Textiles and Garment
(7) Education	(17) Tourism	(27) Wholesale and Retail
(8) Legal	(18) Commercial (First)	(28) Information Technology
(9) Accountancy	(19) Commercial (Second)	
(10) Medical	(20) Industrial (First)	



- These FCs are selected on the basis of the following established guidelines :
  - ◆ FCs should be substantial and of importance in the community;
  - ◆ FCs should be clearly defined; and
  - ◆ FCs should not be based on ideology, dogma or religion.
- Generally speaking :
  - ◆ the FCs are composed of major organisations representative of the relevant sectors. The electorate of the FCs concerned generally includes the corporate members of these major organisations. Besides, establishments which come under some form of registration or licensing system specific to the relevant sectors are also included. Each corporate elector has one vote and has to appoint an authorised representative to cast the vote on its behalf in the election.
  - ◆ in the case of professional constituencies, they are based on membership of those professions with well-established and recognised qualifications, including statutory qualifications. Each individual elector will have one vote.





- Voting systems for the FCs are as follow :
  - ◆ For those FCs with a small number of electors viz, the Urban Council, Regional Council, Heung Yee Kuk, Agriculture and Fisheries, Insurance, and Transport FCs : preferential elimination system (a candidate has to obtain an absolute majority of votes in order to get elected)
  - ◆ For the Labour FC (3 seats) : first past the post system (an elector may cast up to three votes)
  - ◆ For the remaining FCs : first past the post system (an elector may cast only one vote)

## **ELECTION COMMITTEE**

- The EC will be responsible for returning 10 Members of the first LegCo of the HKSAR.
- The EC will be composed of 800 members who are HKSAR permanent residents from the following four sectors, each having 200 members:
  - (i) industrial, commercial and financial;
  - (ii) the professions;
  - (iii) labour, social services and religious; and
  - (iv) members of the Provisional Legislative Council, Hong Kong deputies to the National People's Congress, representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference, and representatives of district-based organisations.



- The first three sectors of the EC will be composed of subsectors which are based on most of the FCs, plus the following groups:
  - (i) Hong Kong Chinese Enterprises Association;
  - (ii) Hotel;
  - (iii) Chinese Medicine;
  - (iv) Higher Education;
  - (v) Catering;
  - (vi) Employers' Federation of Hong Kong; and
  - (vii) Religious.
- As for the fourth sector, members of the Provisional Legislative Council and the Hong Kong deputies to the National People's Congress who are HKSAR permanent residents will be ex officio members of the EC. This sector will also include representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference, representatives of the Heung Yee Kuk, and representatives of the Provisional District Boards.



- All EC members will be returned by elections, except for the ex officio members and the Religious subsector which will nominate its EC members. The EC subsector elections will be held on 2 April 1998. The entire electoral process will be supervised by the Electoral Affairs Commission.
- Voting systems for the EC are as follows :
  - ◆ For the elections of EC members : first past the post system (an elector in an EC subsector may cast any number of votes up to the number of seats for that subsector).
  - ◆ For the election of 10 LegCo members by the EC: block vote system (each EC member is required to cast all 10 votes and the election result will be determined by first past the post).



## 20% NATIONALITY RULE

- Under Article 67 of the Basic Law, HKSAR permanent residents who are not of Chinese nationality or who have the right of abode in foreign countries may be elected members of the LegCo, subject to their number not exceeding 20% (i.e. 12 members) of the total membership of the Council. According to section 37 of the Legislative Council Ordinance, candidature is open to these foreign nationals in the following 12 FCs:
  - (i) Legal;
  - (ii) Accountancy;
  - (iii) Engineering;
  - (iv) Architectural, Surveying and Planning;
  - (v) Real Estate and Construction;
  - (vi) Tourism;
  - (vii) Commercial (First);
  - (viii) Industrial (First);
  - (ix) Finance;
  - (x) Financial Services;
  - (xi) Import and Export; and
  - (xii) Insurance.



## VOTING ARRANGEMENT

- Each eligible elector in the LegCo election will have no more than two individual votes in the election, one of which will be in a GC. If an individual is also an elector in an FC or a member of the EC, he may exercise his second vote in the FC or the EC as appropriate. If he is both an FC elector and a member of the EC, he may exercise his second vote in the EC, but not in the FC.

## FURTHER INFORMATION

Further Information can be obtained from:

- Registration and Electoral Office's hotline - 2588 1212
- Constitutional Affairs Bureau's website  
- <http://www.info.gov.hk/cab>
- Registration and Electoral Office's website  
- <http://www.info.gov.hk/reo>
- Department of Justice's website - <http://www.justice.gov.hk>  
(for information on the Legislative Council Ordinance, the Electoral Affairs Commission Ordinance and the relevant subsidiary legislation)

Constitutional Affairs Bureau  
February 1998



## LIST VOTING SYSTEM AND LARGEST REMAINDER FORMULA

### LIST VOTING SYSTEM

The List Voting System is a form of proportional representation voting system which operates on the basis of multi-seat constituencies. Candidates will contest the election in the form of lists. A list may consist of any number of candidates up to the number of seats in the relevant constituency. It is, therefore, possible for an individual to contest the election in the form of a "single-candidate" list.

### VOTING PROCEDURE

2. An elector votes by choosing only one of the lists of candidates as printed on the ballot paper.

### COUNTING UNDER THE LARGEST REMAINDER FORMULA

3. Under this counting method, each list receives a seat for every Hare quota of votes received. The Hare quota is the total number of valid votes cast divided by the total number of seats in the constituency. Any remaining seats are then awarded to the lists with the largest number of remaining votes.



4. An illustrative example of the List Voting System operating under the Largest Remainder Formula is as follows :

Suppose there are five lists in a 5-member constituency with a total of 300 000 valid votes cast.

$$\text{The Hare quota is } \frac{300\,000}{5} = 60\,000.$$

The allocation of seats will run as follows :

Nomina- tion lists	Votes	Initial allocation of seats	Remain- ing Vote	Allocation of remaining seats	Final seat allocation
A	99 000	1	39 000	1	2
B	69 000	1	9 000	0	1
C	63 000	1	3 000	0	1
D	51 000	0	51 000	1	1
E	18 000	0	18 000	0	0

List A will get two seats, which will go to the first two candidates on the list. List B, List C and List D will each get a seat, which will go to the first candidate on the respective Lists.



# 一九九八年 香港特別行政區 第一屆立法會 選舉安排重點



**香港是我家 共同創未來**